

REMARKS**Summary of the Office Action**

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sasaki et al. (U.S. Patent No. 6,735,699 B1) (hereinafter "Sasaki").

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of Stallings (hereinafter "Stallings").

Claims 4 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfe (hereinafter "Wolfe") in view of Sasaki.

Claims 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfe in view of Sasaki and further in view of Stallings.

Summary of the Response to the Office Action

Applicant has amended claims 1, 4, 7 and 10 to differently describe embodiments of the disclosure of the instant application's specification. Accordingly, claims 1-10 remain pending for consideration.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sasaki. Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of Stallings. Claims 4 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfe in view of Sasaki. Claims 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfe in view of Sasaki and further in view of Stallings. Applicant has

amended claims 1, 4, 7 and 10 to differently describe embodiments of the disclosure of the instant application's specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicant has amended independent claim 1 to recite a system in which both the input/output actions of the digital information stored in the storage from and to the user device are enabled. In addition, claim 1 has been amended to include a feature of these operations occurring "in response to further instructions sent through the network from the user device to check-in the data inside the user device to the storage."

As clearly disclosed in the description, for example at page 24, line 5 to page 27, line 5, the client function of the mobile type of user device 20 enables a user to check-in the contents, which were checked out towards the user device 20 in the past, into the storage 62 of the storage server 60. When this function is utilized, it is possible to avoid communicating a large amount of data frequently, thereby leading to a greatly reduced communications cost. As a result, a significant increase in convenience of interacting with the digital information can be attained.

In addition, these advantageous features make it still possible, even in a situation where only a small amount of memory remains in the contents storing unit 30 of the user device 20, to evacuate the previously downloaded data from the user device 20 to the storage server 60. This evacuation can thus occur even if the user is not at home, for example, without requiring the user to go back home to store the data into his own stationary apparatus storage and also without requiring the user to repeat the purchasing of particular contents. See, for example, the discussion at page 25, lines 4-19 of the instant application's specification.

In a practical sense, the actual check-in process is carried out such that the contents themselves will not be returned to the storage server 60. Instead, only control data for the check-in are actually transmitted to the storage server 60. This advantageous feature associated with embodiments of the disclosure of the instant application results in the communication costs associated with the check-in process being significantly reduced. As a result, it is clear that the evacuating data is not limited to what has been actually checked-out, but also can include other personal data associated with a user's device.

These features of newly-amended independent claim 1 are neither shown nor suggested by the applied art of record, whether taken singly or in combination. Accordingly, newly-amended claim 1 is allowable over the applied art of record. In addition, newly-amended independent claims 4, 7 and 10 are also allowable over the applied art of record for similar reasons as discussed above with regard to independent claim 1.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Sasaki does not teach each feature of independent claims 1 and 10, as amended, and neither Sasaki nor Wolfe, whether taken singly or combined, teach or suggest each feature of independent claims 4 and 7, as amended.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409

F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicant respectfully asserts that the dependent claims are allowable at least because of their dependence from claims 1, 4 and 7, and the reasons set forth above. Moreover, Applicant respectfully submits that the additionally applied reference to Stallings, with respect to claims 2, 3, 5, 6, 8 and 9, does not cure the deficiencies discussed above with regard to Sasaki and Wolfe.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

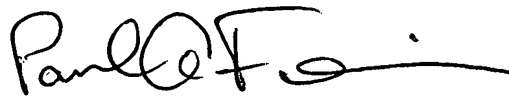
This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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